

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112(A) or (B)

Pinal County Air Quality Control District

Notice of Proposed Rules to be Adopted Pursuant to A.R.S. § 49-112(A) or 49-112(B)

1. Heading and number of the proposed rule, ordinance, or other regulations

§ 1-1-105.A.2

§§ 1-2-110.3, 1-2-110.6, and 1-2-110.7

§ 1-3-130.

§ 1-3-140.67.

§ 1-3-140.89.1

§ 2-2-090.

§ 2-3-110.

§ 2-4-130.

§ 2-4-140.

§ 2-5-180.

§ 2-8-320.

§ 3-1-020.

§ 3-1-040.C.2

§ 3-1-109.

§ 3-1-150.

§ 3-1-160.

§ 3-1-170.B

§ 3-1-173.

§ 3-3-260.

§ 3-5-470.

§ 3-5-530.

§ 3-7-590.C.1.a.i

§ 3-7-610.C.3.c

§ 4-1-010

§ 4-2-050.B

§ 5-2-050.F.1

§ 5-5-200.C.1

§ 5-6-230.E

§ 5-6-240.C.1

§ 5-8-260.B

§ 5-8-270.

§ 5-15-640.B

§ 5-23-1010.C

§ 5-25-1080.C

§ 5-27-1088.C.3

2. Summary of the proposed rules and rule changes, any of which may be adopted in whole or in part:

A. Adoption-by-reference of revisions and additions to the "new source performance standards" ("NSPS") promulgated under §111 of the Clean Air Act, mirroring ADEQ's recent action. See 2 A.A.R. 3525 (8/9/96), revising A.A.C. R18-2-901. The changes to Code §6-1-030 adopt a "latest edition" reference date of July 1, 1996; eliminate any redundant date-references; and newly adopt or revise the same provisions of 40 CFR 60 adopted by ADEQ:

- Subpart D - Fossil Fuel Fired Steam Generators for which Construction Commenced after August 17, 1971; the revision (See 61 FR 20734 [5/8/96]) generally exempts combustion research activities from the standard.
- Subpart WWW - Municipal Solid Waste Landfills; the EPA's new rule (See 61 FR 9919 [3/12/96]) generally requires emission control systems for very large landfills that began operation or expanded design capacity after May 30, 1991.

In addition, the proposed changes include adoption of a new "emission guideline" rule, §§5-34-2050 *et seq.*, as mandated by Subpart Cc of 40 CFR 60, and adopted by ADEQ under A.A.C. R18-2-731. The changes apply to certain landfills that accepted waste after November 8, 1987, and that are not already regulated under Municipal Solid Waste Landfill NSPS described above. Affected landfills must submit an initial design capacity report, and those that are of a size that would trigger additional requirements under Subpart WWW fall subject to the same reporting, monitoring and control requirements as if they were originally regulated under Subpart WWW.

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- B. Changes to §7-1-030.A, conforming the County's adoption-by-reference of the 40 CFR 61 "NESHAP" standards promulgated under §112 of the Clean Air Act, to mirror ADEQ's latest adoption of those standards. See 2 AAR 3525 (8/9/96), revising A.A.C. R18-2-1101(A). The only changes involve adopting ADEQ's "latest edition" reference date and eliminating any redundant date references.
- C. Changes to §7-1-030.B, conforming the County's incorporation by reference of the 40 CFR 63 "MACT" standards promulgated under §112 of the Clean Air Act, to mirror ADEQ's latest adoption of those standards. See 2 A.A.R. 3525 (8/9/96), revising A.A.C. R18-2-1101(B). In addition to adopting ADEQ's "latest edition" reference date of July 1, 1996, and eliminating any redundant date-references, the proposed changes include adoption of the following new or revised subparts of 40 CFR 63:
- Subpart B - Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections 112(g) and 112(j). See 61 FR 21370 (5/10/96).
 - Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry. See 61 FR 7716 (2/29/96) and 61 FR 31435 (6/20/96).
 - Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater. See 61 FR 7716 (2/29/96) and 61 FR 31435 (6/20/96).
 - Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks. See 61 FR 7716 (2/29/96) and 61 FR 31435 (6/20/96).
 - Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks. See 61 FR 7716 (2/29/96) and 61 FR 31435 (6/20/96).
 - Subpart M - Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. See 61 FR 27785 (6/3/96).
 - Subpart N - Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. See 61 FR 27785 (6/3/96).
 - Subpart O - Ethylene Oxide Emissions for Sterilization Facilities. See 61 FR 27785 (6/3/96).
 - Subpart X - Secondary Lead Smelting. See 61 FR 27785 (6/3/96).
 - Subpart CC - Petroleum Refineries. See 61 FR 7051 (2/23/96), 61 FR 29876 (6/12/96) and 61 FR 33799 (6/28/96).
 - Subpart GG - Aerospace Manufacturing and Rework Facilities. See 61 FR 4902 (2/9/96).
 - Subpart KK - Printing and Publishing Industry. See 61 FR 27132 (5/30/96).
- D. Changes to §1-2-110.5, incorporating by reference certain test methods, or revisions, recently adopted first by the EPA and then by ADEQ. See 2 AAR 3525 (8/9/96), revising 18 A.A.C. 2, Appendix 2, to adopt revisions to 40 CFR 60, Appendix A, 40 CFR Part 61, Appendix B, as modified at 61 FR 18260 (4/25/96). Since the underlying §1-2-110.5 provision constitutes an approved SIP element (See 61 FR 15717 (4/9/96)), the proposal defers the actual Code revision until the EPA first approves a corresponding SIP revision.
- E. Changes to §§1-2-110.3, 1-2-110.6 and 1-2-110.7, to establish a benchmark set of reference dates for the numerous incorporations-by-reference of Arizona Testing Manual, AAC and CFR distributed throughout the Code, and correspondingly revise or delete the differing reference dates found elsewhere. In addition, miscellaneous reference changes, as indicated below, resolve Code references to A.A.C. provisions that have since been renumbered, or correct typographical errors. Certain of these provisions, as indicated by italics below, constitute approved SIP elements (See 61 FR 15717 (4/9/96)); accordingly, the proposal defers the actual Code revision of those italicized provisions until the EPA first approves a corresponding SIP revision. Specifically affected sections include:
- § 1-1-105.A.2 - *typographical correction*
 - §§ 1-2-110.3, 1-2-110.6, and 1-2-110.7
 - § 1-3-130.
 - § 1-3-140.67.
 - § 1-3-140.89.1 - *typographical correction*
 - § 2-2-090.
 - § 2-3-110.
 - § 2-4-130.
 - § 2-4-140.
 - § 2-5-180.
 - § 2-8-320.
 - § 3-1-020.
 - § 3-1-040.C.2

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- § 3-1-109.
- § 3-1-150.
- § 3-1-160. - also revised to correct typographical error, to conform to AAC R18-2-311.
- § 3-1-170.B
- § 3-1-173.
- § 3-3-260.
- § 3-5-470.
- § 3-5-530.
- § 3-7-590.C.1.a.i
- § 3-7-610.C.3.c
- § 4-1-010 - correct reference from 18 A.A.C. 2, Article 4 to renumbered Article 6.
- § 4-2-050.B
- § 5-2-050.F.1
- § 5-5-200.C.1
- § 5-6-230.E
- § 5-6-240.C.1
- § 5-8-260.B - correct reference from AAC R18-2-502 to renumbered R18-2-702.
- § 5-8-270.
- § 5-15-640.B
- § 5-23-1010.C
- § 5-25-1080.C
- § 5-27-1088.C.3

- F. Proposed delisting of certain organic compounds as regulated volatile organic compounds ("VOCs"). The proposed change involves expansion of the list of "non-precursor compounds" in §1-3-140, which effectively removes those compounds from the definition of "VOCs." The change affects acetone and various other compounds. Again, this proposal follows recent ADEQ rule revisions. See 3 A.A.R. 317 (1/31/97), revising A.A.C. R18-2-101(116). Since the underlying definition constitutes an approved SIP provision (See 61 FR 15717 (4/9/96)), the actual Code revision will occur when the EPA approves a corresponding SIP revision.
- G. Proposed revisions to §1-1-105, which in reality does not constitute a rule or regulation, so much as merely a publicly accessible declaration of those provisions that the Board of Supervisors wishes to be included in the Arizona SIP. In addition to proposing modification of the provisions of the existing SIP-approved version of §1-1-105 to reflect the other changes outlined above, the proposed change seeks removal of §1-1-105 as a SIP element. That would eliminate the logical inconsistency created when the provision defining the Board of Supervisor's expression of what should be in the SIP, itself becomes a relatively immutable provision of the SIP.

3. A demonstration of the grounds and evidence of compliance with A.R.S. §49-112 (A) or (B):

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

- A. Initially, the total of the fees and other charges currently assessed in connection with the administration of the County's air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose parallel fees, the County's fees are capped by rule at ADEQ's rates, which implicitly affirms that the County's fees are reasonable.
- B. Based on a review of the operating costs of the Pinal County Air Quality Control District, and any reasonable projection of total of revenues resulting from the fees and other charges that would be assessed under any or all of the rule revisions proposed above, the Control Officer finds that there is no real risk that revenues will exceed the cost of program administration. The continuing fee-cap, defined by ADEQ's fee rates, continues to implicitly assure the reasonableness of the County's fees. Thus, implementation of any or all of the rule changes proposed above will still not violate the fee-limitations of either A.R.S. § 49-112(A)(3) or 49-112(B).
- C. To the extent the changes outlined above constitute rule changes, all consist of revisions to conform existing County rules to ADEQ's parallel rules. As such, all of those changes inherently avoid triggering the A.R.S. § 49-112(A) requirement for a demonstration as a precedent to adoption of more stringent or functionally additional rules.

4. Name and address of the person to whom persons may address questions or comments

Name: Donald P. Gabrielson, Director

County Notices Pursuant to A.R.S. § 49-112(A) or 49-112(B)

Address: Pinal County Air Quality Control District
P.O. Box 987
Florence, Arizona 85232

Telephone: (520) 868-6760

Fax: (520) 868-6754

5. Where persons may obtain a full copy of the proposed rules, ordinance, or other regulations

Name: Pinal County Air Quality Control District

Address: P.O. Box 987 574 South Central
Florence, Arizona 85232 Florence, Arizona

Telephone: (520) 868-6760

Fax: (520) 868-6754

Note - the District has the proposed revisions, as well as supporting materials, available in hard-copy or on disk.

NOTICE OF PUBLIC HEARING

**Pinal County
Air Quality Control District**

1. Heading and number of the proposed rules, ordinance, or other regulations that are the subject of this public hearing

§ 1-1-105.A.2

§§ 1-2-110.3, 1-2-110.6, and 1-2-110.7

§ 1-3-130.

§ 1-3-140.67.

§ 1-3-140.89.1

§ 2-2-090.

§ 2-3-110.

§ 2-4-130.

§ 2-4-140.

§ 2-5-180.

§ 2-8-320.

§ 3-1-020.

§ 3-1-040.C.2

§ 3-1-109.

§ 3-1-150.

§ 3-1-160.

§ 3-1-170.B

§ 3-1-173.

§ 3-3-260.

§ 3-5-470.

§ 3-5-530.

§ 3-7-590.C.1.a.i

§ 3-7-610.C.3.c

§ 4-1-010

§ 4-2-050.B

§ 5-2-050.F.1

§ 5-5-200.C.1

§ 5-6-230.E

§ 5-6-240.C.1

§ 5-8-260.B

§ 5-8-270.

§ 5-15-640.B

§ 5-23-1010.C

§ 5-25-1080.C

§ 5-27-1088.C.3

2. Date, time, and location of public workshop scheduled

Date: Thursday, April 17, 1997

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Time: 1:00 p.m.
Location: Board of Supervisor's Hearing Room
Administration Building No. 1
31 North Pinal Avenue
Florence, Arizona
Nature of meeting: Public workshop to explain, discuss and accept preliminary comment on the proposed changes.

Date, time, and location of public hearing scheduled

Date: May 14, 1997
Time: 2:00 p.m.
Location: Board of Supervisor's Hearing Room
Administration Building No. 1
31 North Pinal Avenue
Florence, Arizona
Nature of meeting: Public hearing as an element of the regular meeting of the Pinal County Board of Supervisors, to consider formal adoption of some, all or none of the proposed revisions.

3. County personnel to whom questions and comments may be addressed

Name: Donald P. Gabrielson, Director
Address: Pinal County Air Quality Control District
P.O. Box 987
Florence, Arizona 85232
Telephone: (520) 868-6760
Fax: (520) 868-6754

4. Any other pertinent information concerning the above described rules, ordinance, or other regulations

Please refer to the Notice of Proposed Rules which appears in this issue of the *Register*.

NOTICE OF PUBLIC HEARING

**Maricopa County
Environmental Services Department, Technical Services Division**

1. Heading and number of the proposed rules, ordinance, or other regulations that are the subject of this public hearing

New Rule 321 Municipal Solid Waste Landfills
Revisions to Rule 360 New Source Performance Standards
Revisions to Rule 370 Federal Hazardous Air Pollutant Program

2. Date, time, and location of public hearing scheduled

Date: Wednesday, May 14, 1997
Time: 9:00 a.m.
Location: Maricopa County Board of Supervisors Auditorium
205 West Jefferson
Phoenix, Arizona

Nature of Public Hearing: To discuss the above listed rules.

IMPORTANT NOTE: A Notice of Public Hearing was published in the *Arizona Administrative Register* on March 7, 1997, announcing a public hearing on the above listed rules for Wednesday April 9, 1997. The public hearing for the above listed rules will NOT be held on Wednesday April 9, 1997, but rather the public hearing will be held on Wednesday May 14, 1997.

3. County personnel to whom questions and comments may be addressed

Name: Jo Crumbaker, Planning & Analysis Section Manager
or
Johanna M. Kuspert, Environmental Planner

County Notices Pursuant to A.R.S. § 49-112(A) or 49-112(B)

Address: Maricopa County Environmental Services Department
Technical Services Division
1001 North Central Avenue #201
Phoenix, Arizona 85004

Telephone: (602) 506-6705 or (602) 506-6710

Fax: (602) 506-6179

4. Any other pertinent information concerning the above described rules, ordinance, or other regulations
Please refer to the Notice of Proposed Rules which appeared in the March 7, 1997, issue of the *Register*.